

## § 1007.83

## 7 CFR Ch. X (1–1–11 Edition)

such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(d) Transportation credits shall be computed as follows:

(1) The market administrator shall subtract from the pounds of milk described in paragraphs (c)(1) and (2) of this section the pounds of bulk milk transferred from the pool plant receiving the supplemental milk if milk was transferred to a nonpool plant on the same calendar day that the supplemental milk was received. For this purpose, the transferred milk shall be subtracted from the most distant load of supplemental milk received, and then in sequence with the next most distant load until all of the transfers have been offset;

(2) With respect to the pounds of milk described in paragraph (c)(1) of this section that remain after the computations described in paragraph (d)(1) of this section, the market administrator shall:

(i) Determine the shortest hard-surface highway distance between the shipping plant and the receiving plant;

(ii) Multiply the number of miles so determined by the mileage rate for the month computed pursuant to § 1007.83(a)(6).

(iii) Subtract the applicable Class I price specified in § 1000.50(a) for the county in which the shipping plant is located from the Class I price applicable for the county in which the receiving plant is located;

(iv) Subtract any positive difference computed in paragraph (d)(2)(iii) of this section from the amount computed in paragraph (d)(2)(ii) of this section; and

(v) Multiply the remainder computed in paragraph (d)(2)(iv) of this section by the hundredweight of milk described in paragraph (d)(2) of this section.

(3) For the remaining milk described in paragraph (c)(2) of this section after computations described in paragraph (d)(1) of this section, the market administrator shall:

(i) Determine an origination point for each load of milk by locating the nearest city to the last producer's farm from which milk was picked up for delivery to the receiving pool plant;

(ii) Determine the shortest hard-surface highway distance between the receiving pool plant and the origination point;

(iii) Subtract 85 miles from the mileage so determined;

(iv) Multiply the remaining miles so computed by the mileage rate for the month computed pursuant to § 1007.83(a)(6).

(v) Subtract the Class I price specified in § 1000.50(a) applicable for the county in which the origination point is located from the Class I price applicable at the receiving pool plant's location;

(vi) Subtract any positive difference computed in paragraph (d)(3)(v) of this section from the amount computed in paragraph (d)(3)(iv) of this section; and

(vii) Multiply the remainder computed in paragraph (d)(3)(vi) of this section by the hundredweight of milk described in paragraph (d)(3) of this section.

[64 FR 47971, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005; 71 FR 62380, Oct. 25, 2006; 73 FR 14171, Mar. 17, 2008]

### § 1007.83 Mileage rate for the transportation credit balancing fund.

(a) The market administrator shall compute the mileage rate each month as follows:

(1) Compute the simple average rounded down to three decimal places for the most recent 4 weeks of the Diesel Price per Gallon as reported by the Energy Information Administration of the United States Department of Energy for the Lower Atlantic and Gulf Coast Districts combined.

(2) From the result in paragraph (a)(1) in this section subtract \$1.42 per gallon;

(3) Divide the result in paragraph (a)(2) of this section by 5.5, and round down to three decimal places to compute the fuel cost adjustment factor;

## Agricultural Marketing Service, USDA

## Pt. 1030

(4) Add the result in paragraph (a)(3) of this section to \$1.91;

(5) Divide the result in paragraph (a)(4) of this section by 480;

(6) Round the result in paragraph (a)(5) of this section down to five decimal places to compute the MRF.

(b) The market administrator shall announce publicly on or before the 23rd day of the month (except as provided in §1000.90) the mileage rate pursuant to paragraph (a) of this section for the following month.

[71 FR 62380, Oct. 25, 2006]

### ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

#### **§ 1007.85 Assessment for order administration.**

See § 1000.85.

#### **§ 1007.86 Deduction for marketing services.**

See § 1000.86.

## **PARTS 1011–1013 [RESERVED]**

## **PART 1030—MILK IN THE UPPER MIDWEST MARKETING AREA**

### **Subpart—Order Regulating Handling**

#### GENERAL PROVISIONS

Sec.

1030.1 General provisions.

#### DEFINITIONS

1030.2 Upper Midwest marketing area.

1030.3 Route disposition.

1030.4 Plant.

1030.5 Distributing plant.

1030.6 Supply plant.

1030.7 Pool plant.

1030.8 Nonpool plant.

1030.9 Handler.

1030.10 Producer-handler.

1030.11 [Reserved]

1030.12 Producer.

1030.13 Producer milk.

1030.14 Other source milk.

1030.15 Fluid milk product.

1030.16 Fluid cream product.

1030.17 [Reserved]

1030.18 Cooperative association.

1030.19 Commercial food processing establishment.

#### HANDLER REPORTS

1030.30 Reports of receipts and utilization.

1030.31 Payroll reports.

1030.32 Other reports.

#### CLASSIFICATION OF MILK

1030.40 Classes of utilization.

1030.41 [Reserved]

1030.42 Classification of transfers and diversions.

1030.43 General classification rules.

1030.44 Classification of producer milk.

1030.45 Market administrator's reports and announcements concerning classification.

#### CLASS PRICES

1030.50 Class prices, component prices, and advanced pricing factors.

1030.51 Class I differential and price.

1030.52 Adjusted Class I differentials.

1030.53 Announcement of class prices, component prices, and advanced pricing factors.

1030.54 Equivalent price.

1030.55 Transportation credits and assembly credits.

#### PRODUCER PRICE DIFFERENTIAL

1030.60 Handler's value of milk.

1030.61 Computation of producer price differential.

1030.62 Announcement of producer prices.

#### PAYMENTS FOR MILK

1030.70 Producer-settlement fund.

1030.71 Payments to the producer-settlement fund.

1030.72 Payments from the producer-settlement fund.

1030.73 Payments to producers and to cooperative associations.

1030.74 [Reserved]

1030.75 Plant location adjustments for producer milk and nonpool milk.

1030.76 Payments by a handler operating a partially regulated distributing plant.

1030.77 Adjustment of accounts.

1030.78 Charges on overdue accounts.

#### ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1030.85 Assessment for order administration.

1030.86 Deduction for marketing services.

AUTHORITY: 7 U.S.C. 601–674, and 7253.

SOURCE: 64 FR 47978, Sept. 1, 1999, unless otherwise noted.